

Empowering Regulators to Protect Consumer Rights in the ICT Sector



Between 2009 and 2011 the **LINK Centre** at the University of the Witwatersrand, Johannesburg, and **Balancing Act**, London, undertook qualitative research into consumer protection regulation in the ICT sector. This project covered five countries (Ethiopia, Mauritius, Rwanda, Uganda and Zambia), all members of the **Association of Regulators of Information and Communication for Eastern and Southern Africa (ARICEA)**.

Research team members in each of the target countries assessed the current position in respect of ICT consumer protection regulation, workshopped and reported on the in-country research they undertook, and drafted regulatory action plans for agreement with the national regulatory authority. A summary of international best practice in ICT consumer protection regulation was produced. Full results of the research project can be found on the **LINK** website at <http://link.wits.ac.za/projects/creea.html>.

This executive policy brief summarises the recommendations emerging from the research:

1 STRENGTHEN CONSUMER PROTECTION IN THE LAW

Governments should strengthen provisions in the law that empower the regulator to protect consumer rights in the ICT sector. Regulators can also issue regulations that serve the same purpose and insist that operators publish consumer charters.

2 SURVEY CONSUMER PERCEPTIONS AND ISSUES

Regulators should regularly survey consumer perceptions of the various service providers, and should publish the survey results on their websites and elsewhere. The results of these surveys are a strong basis for regulatory intervention on behalf of consumers.

3 PROTECT CONSUMERS THROUGH REGULATORY INTERVENTION

Regulators should intervene more strongly to protect consumers, by encouraging operators to improve their services, requiring greater network coverage and intervening in respect of pricing and quality of service.

4 PRIORITISE KEY COMPLAINTS ISSUES

Regulators need to identify, prioritise and respond to key areas of complaints from ICT consumers in each of their countries, including such common problems as lack of network coverage in certain (mainly rural) areas, frequent dropped calls, poor quality of service and excessive pricing.

5 PUBLICISE CHANNELS OF COMPLAINT

Regulators need to undertake awareness campaigns via SMS or point-of-sale information, to ensure that consumers know how to complain and over what issues complaints are justified. The service provider should always be the first port of call, with the regulator acting as the complainant's channel of last resort.

6 PUBLISH COMPARATIVE PRICING INFORMATION

Regulators need to address confusion in respect of the pricing of the various packages and services offered, by publishing comparable benchmark data on a single website location. This would greatly assist consumers to choose the most suitable and most affordable ICT services.

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7 FOCUS ON MOBILE CUSTOMERS

Regulators should give greater attention to the mobile sector, which makes up the overwhelming majority of ICT consumers in Africa. They should also exploit mobile as a channel of communication.

8 PRIORITISE RURAL CONSUMERS

Regulators should give more attention to rural consumers, who are affected disproportionately by certain consumer issues. They are also less aware of their consumer rights and less empowered.

9 INCREASE THE PROFILE OF THE REGULATOR

Regulators need to increase their profile among ICT consumers, using a variety of channels including radio, television, community media, SMS, websites and the provision of point-of-sale information.

10 UNDERTAKE GENERAL CONSUMER EDUCATION

Regulators need to undertake general consumer education to increase understanding of how the ICT sector works and how consumers are affected, what the specific ICT consumer issues are, and on the rights and expectations of ICT consumers.

11 INVESTIGATE SIM-SWAPPING

Regulators should investigate how widespread SIM-swapping and the use of multiple-SIM phones are, along with what incentivises consumers to engage in this (eg problems relating to network coverage or pricing differentials between on-net and off-net calls). Multiple SIM usage may undermine the ability of the market to punish operators with poor quality of service. Regulatory interventions to extend network coverage or to reduce mobile termination rates may be required.

12 REMAIN AWARE OF FUTURE TRENDS

Regulators need to remain abreast of market developments and shifts in customer preferences and consumer patterns. As the ICT sector continues to evolve, so too should consumer protection regulation look ahead and be proactive.

13 SUPPORT CONSUMER GROUPS

Regulators need to support the establishment of at least one consumer association that will defend, identify and publicise the rights of ICT consumers.

14 SUPPORT CONSUMER GROUPS

Regulators need to ensure that effective regulatory and policymaking interventions are supported and underpinned by appropriate research into consumer protection and empowerment issues.

15 SUPPORT CONSUMER GROUPS

Regulators need to have greater independence, authority and autonomy for the separate regulatory functions (including that of consumer protection). This should be supported by greater capacity building to strengthen intervention and increase responsiveness in order to protect ICT consumers.

